

REMARKS

Claims 1, 4-5, 7-8, 12, 16-25 and 27-29, and 31-36 are pending in the present application. Claims 2, 3, 6, 9-11, 13-15, 26, and 30 are canceled. Claims 1, 16-20, 22, and 24 have been amended. Claims 1, 16, 17, 18, and 19 are independent claims.

STATEMENT UNDER 37 C.F.R. § 1.133(b)

The Applicants thank Examiner Zhao for the courtesy shown during the telephonic interviews conducted on January 5, 2010 and March 29, 2010. During the interviews, the Examiner and the Applicants' representatives discussed the claim rejections under 35 U.S.C. § 101. During the interview conducted on January 5, 2010, the Examiner indicated that claims reciting a "recording medium" are non-statutory since the claims may be interpreted to read on a transitory signal. Accordingly, the Examiner recommended amending the claims to recite "non-transitory recording medium." However, during the interview conducted on March 29, 2010, the Examiner indicated that a claim reciting a "recording medium" is statutory provided there is no indication in the specification that the "recording medium" may be interpreted to read on a "transitory signal." During the interview, the Examiner also indicated that the Supplemental Amendment filed on December 28, 2009 was considered and that the claims recited in the December 28, 2009 are in condition for allowance provided the specification does not disclose that the "recording medium" recited in the claims reads on a "transitory signal."

Claim Rejections – 35 U.S.C. §101

In the Office Action dated January 5, 2010, the Examiner rejected claims 1, 4-5, 7-8, 12, 16-17, 27-29, 31, 35-36 under 35 U.S.C. §101 alleging the claims are directed to nonstatutory subject matter. The Applicants respectfully traverse.

During the interview conducted on March 29, 2010, the Examiner indicated that the rejections of claims 1, 4-5, 7-8, 12, 16-17, 27-29, 31, 35-36 under 35 U.S.C. § 101 would be withdrawn if the specification did not provide any indication that the "recording medium" recited in any of claims 1, 4-5, 7-8, 12, 16-17, 27-29, 31, 35-36 could be interpreted as reading on a transitory signal. The Applicants have reviewed the specification of the subject application and respectfully submit that one skilled in the art, upon reviewing the specification, would not interpret the "recording medium," as recited in any one of claims 1, 4-5, 7-8, 12, 16-17, 27-29, 31, 35-36, as reading on a transitory signal. Because one skilled in the art would not interpret the "recording medium" recited in any one of claims 1, 4-5, 7-8, 12, 16-17, 27-29, 31, 35-36, when read in light of the specification, as reading on a "transitory signal," the Applicants respectfully request the rejections of claims 1, 4-5, 7-8, 12, 16-17, 27-29, 31, 35-36 under 35 U.S.C. § 101 be withdrawn.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1, 4-5, 7-8, 12, 16-25 and 27-29, and 31-36 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By: _____

Terry L. Clark, Reg. No. 32,644
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

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